

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

CASE NO. 3:21-cr-05334-DGE

Petitioner,

ORDER GRANTING
GOVERNMENT'S MOTION TO
SEAL

MICHAEL JASON LAYES a/k/a/ MIKEY
DIAMOND STARRETT,

Respondent.

Presently before the Court is the government's motion requesting the Court seal its

Motion for Competency Evaluation and Hearing because it contains personal information that should not be available to the general public because it contains medical information about the Defendant and information concerning an ongoing investigation. Dkt Nos. 32 and 25.

The First Amendment protects the public's right of access to criminal trials. *See, e.g.*, *Globe Newspaper Co. v. Super. Ct. for Norfolk Cty.*, 457 U.S. 596, 606 (1982). The public also has a common law right to inspect and copy public records, including those from judicial

proceedings. *See Nixon v. Warner Commc'ns*, 435 U.S. 589, 597 (1978). But these rights are not absolute. They must yield when (1) sealing a document serves a compelling interest, (2) that is substantially likely to be harmed if the document is not sealed, and (3) there are no less restrictive alternatives for protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998 (9th Cir. 2017).

The Court has reviewed the documents at issue and finds that sealing them would serve a compelling interest in protecting the privacy of the Defendant and in not jeopardizing an ongoing investigation. *See e.g. Times Mirror Co. v. United States*, 873 F.2d 1210, 1213 (9th Cir. 1989) (noting that complete openness with respect to certain court documents may “frustrate criminal investigations and thereby jeopardize the integrity of the search for truth that is so critical to the fair administration of justice.”); *see also Gary v. Unum Life Ins. Co. of Am.*, 2018 WL 1811470, at *3 (D. Ore. Apr. 17, 2018) (finding no cases where medical information was not allowed to be filed under seal under the “compelling reasons” standard).

The government's motion is unopposed, there is a substantial likelihood of harm to these interests if these documents are not sealed, and there are no less restrictive ways for protecting these interests.

Accordingly, the government's motion to seal (Dkt. 32) is GRANTED.

Dated this 12th day of November, 2021.



David G. Estudillo
United States District Judge